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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/550,927

Filing Date: September 28, 2005

Appellant(s): SANSEVERO ET AL.

Carlson, Gaskey & Olds, PC
David J. Gaskey
400 W. Maple, Suite 350
Birmingham, MI 48009
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/28/2008 appealing from the Office action mailed 9/5/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5782330	MEHLERT	7-1998
20030000798	WILLIAMS	1-2003
5708416	ZAHARIA	1-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 1-2, 8, 10-11, 13-15, 20 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehlert (U.S. Patent No. 5,782,330).

Mehlert discloses a device for use with a passenger conveyor comprising:

- A display that provides a visible indication of a direction of movement of the conveyor (36 traffic light – indicates which direction can enter the conveyor), and a variable, visible indication of maintenance information regarding the conveyor (44 – display markings to indicate operational status).
- Wherein the display operates in a first mode to provide the direction indication and a second mode to provide the maintenance information (See Column 3, lines 46-67).
- Including at least one switch supported near the second display panel, the switch being actuatable to selectively view available maintenance information (42 – selectively view a vertical green line versus a horizontal red line).
- A controller that controls the display (38) and wherein the controller automatically sets the indication to correspond to a direction of movement of the conveyor or the maintenance information (See Column 4, lines 1-17).
- Wherein the controller uses information regarding an operation of a machine of the conveyor to determine the corresponding indication (See Column 4, lines 1-17).
- A plurality of steps that are moveable along a selected path between two landings (12 – See Figure 1)

- A machine that selectively moves the steps (See Column 4, lines 1-17).
- Wherein the indication of a direction of movement is distinct and separate from the indication of maintenance information (See Figures – the indication of direction is a traffic light that is located at a separate location from the display markings)

Claim Rejections - 35 USC § 103

2. Claims 3, 12, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Williams (U.S. Patent Application Publication No. 2003/0000798).

Mehlert discloses all claimed limitations, including a first display panel that provides at least the direction indication, and a second panel, which includes a control unit, operable to control the operation of the escalator. Mehlert, however fails to disclose a second panel that displays provides at least some of the maintenance information and that the maintenance information be at least one of a fault code indicator, operation time information, energy consumption information or maintenance history information. Williams provides an escalator control unit (12) that is installed with a monitor display (246) for the purpose of displaying indicators for present and historical faults (ie maintenance history information) (See Paragraph 56). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehlert by including on the second panel control unit a monitor display for the purpose of displaying indicators for present and historical faults.

3. Claims 9, 21, and 23-27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Zaharia (U.S. Patent No. 5,708,416).

Mehlert discloses all claimed limitations, except for the use of a wireless transmitter. Zaharia discloses the use of a wireless transmitter (30) for the purpose of remotely controlling

the escalator and its components as necessary (See Column 3, lines 30-46). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehlert by utilizing a wireless transmitter for the purpose of remotely controller the escalator and its components, including the display panel.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Saito (U.S. Patent No. 4,798,274).

Mehlert discloses all claimed limitations, except for a display that is supported on the passenger conveyor structure. Saito discloses a display that is supported on the passenger conveyor structure for the purpose of providing a safe means of indication to passengers of direction information (See Column 2, lines 32-68). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehlert by utilizing a display that is supported on the passenger conveyor structure for the purpose of providing a safe means of indication to passengers of direction information.

(10) Response to Argument

With regards to applicant's argument that the claims require two separate displays, the claims simply require that a display provides (1) a visible indication of direction and (2) a variable, visible indication of maintenance information. Both of these requirements are provided on the display as disclosed by Mehlert. Mehlert discloses a traffic light (36) providing the directional information and markings (44) providing maintenance information, in particular the operational status of the conveyor. There is nothing in the claims that require two different visible indications.

With regards to applicant's argument that Mehlert does not disclose a visible indication of maintenance information, 44 provides the operational status of the conveyor, including whether the conveyor is currently running or whether it is stopped. Applicant fails to indicate the specific types of maintenance information, and maintenance can be defined as the act of maintaining, and maintain can be defined as to carry on or continue. In this particular case, information as to the operational status of the conveyor can be considered maintenance information, seeing as though it indicates whether the conveyor is still running or whether it is stopped. Therefore, this limitation is in fact disclosed.

With regards to applicant's argument that the maintenance information is something other than an indicator to a passenger whether a conveyor is moving in a particular direction or nothing at all, there is no indication in the claims, or in the specification, that maintenance information would be something other than the operational status of the conveyor. On page 4 of the specification, the applicant merely provides examples of what information can be provided on the display. Further, it provides that the display can be designed to provide the desired about of information to meet their particular needs.

With regards to applicant's argument that the maintenance information is not variable, the information will change based on the operational status of the conveyor. The information is in fact variable.

Art Unit: 3651

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ramya G. Prakasam

/Gene Crawford/
Supervisory Patent Examiner, Art Unit 3651

Conferees:

Meredith Petrvick /MP/

Gene Crawford /GC/